

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 00-2345NE

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Cornelius Moore,

Appellant,

v.

Stephen Thomas; City of Lincoln;  
James A. Sydik; State of Nebraska;  
Terry Wagner; Michael Garnett,  
Sergeant; Ernie Tuss; Margene Timm;  
Dennis R. Keefe, Public Defender's  
Office; Daniel Fahrnbruch; Sara  
Fullerton; Drew Cromwell; Bernard  
McGinn, Judge,

Appellees.

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On Appeal from the United  
States District Court  
for the District of  
Nebraska.

[Not To Be Published]

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Submitted: March 28, 2001

Filed: April 10, 2001

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Before RICHARD S. ARNOLD, FAGG, and MORRIS SHEPPARD ARNOLD,  
Circuit Judges.

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PER CURIAM.

Cornelius Moore appeals the District Court's<sup>1</sup> denial of his motions for post-judgment relief. Moore filed suit against the State of Nebraska, the City of Lincoln, and several state officials, alleging violations of his constitutional rights. The District Court dismissed his complaint, and Moore did not appeal. Over a year later, Moore tendered a document he titled "writ of mandamus," and moved for post-judgment relief under Federal Rule of Civil Procedure 60(b). The District Court did not file the "writ of mandamus" and denied Rule 60(b) relief. Moore appealed.

We conclude the District Court did not abuse its discretion in denying Moore Rule 60(b) relief, as he did not offer any exceptional grounds for relief. See Arnold v. Wood, 238 F.3d 992, 998 (8th Cir. 2001) (standard of review; Rule 60(b) movant must demonstrate exceptional circumstances to warrant post-judgment relief). To the extent Moore's "writ of mandamus" could be construed as a mandamus petition, it also was properly denied. See In re Lane, 801 F.2d 1040, 1042 (8th Cir. 1986) (mandamus is drastic remedy to be invoked only in extraordinary situations). Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska, adopting the report and recommendations of the Honorable Kathleen A. Jaudzemis, United States Magistrate Judge for the District of Nebraska.